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Legal Department, DL429
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1637
10-20-03
ATTORNEY DOCKET NO. 10010902-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Lawrence J. DaQuino

Serial No.: 10/022,065

Examiner: Jeffrey Siew

Filing Date: December 18, 2001

Group Art Unit: 1637

Title: MULTIPLE AXIS PRINthead ADJUSTER FOR NON-CONTACT FLUID DEPOSITION DEVICES

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment ☐ Petition to extend time to respond
☐ New fee as calculated below ☐ Supplemental Declaration
☒ No additional fee (Address envelope to "Mail Stop Non-Fee Amendments")
☒ Other: Postcard (Fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		=	X 18	\$
INDEP. CLAIMS		MINUS		=	X 86	\$
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 290	\$
EXTENSION FEE	1 ST MONTH 110.00 <input type="checkbox"/>	2 ND MONTH 420.00 <input type="checkbox"/>	3 RD MONTH 950.00 <input type="checkbox"/>	4 TH MONTH 1480.00 <input type="checkbox"/>	\$	
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$

Charge \$ _____ to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

"Express Mail" label no. EL984075115US

Date of Deposit: October 17, 2003

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on The date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Typed Name: Donna Macedo

Signature: *Donna Macedo*

By *Bret Field*

Bret Field for Gordon Stewart
Attorney/Agent for Applicant(s)

Reg. No. 37,620

Date: October 17, 2003

Telephone No. (650) 485-2386



EXPRESS MAIL NUMBER
EL98467511545

RESPONSE TO RESTRICTION REQUIREMENT Address to: Commissioner for Patents P.O. Box 1450 Arlington VA 22313-1450	Attorney Docket Confirmation No.	10010902.-1
	First Named Inventor	Lawrence J. DaQuino
	Application Number	10/022,065
	Filing Date	December 18, 2001
	Group Art Unit	1637
	Examiner Name	Jeffrey Siew
	Title	Multiple Axis Printhead Adjuster for Non-Contact Fluid Deposition Devices

Dear Sir:

This communication is responsive to the office communication dated September 26, 2003.

In the above referenced office communication, the Examiner imposed a restriction requirement, requiring the election of the claims of either:

Group I, i.e., Claims 1-18, 35-40, and 47-62;
Group II, i.e., Claims 19-34;
Group III, i.e., Claim 41;
Group IV, i.e., Claims 42-44;
Group V, i.e., Claim 45; or
Group VI, i.e., Claim 46;

for further prosecution in this application.

The Applicants hereby elect Group I with traverse.

The Applicants also respectfully urge the Examiner to rejoin the claims of Group II with the elected claims of Group I for examination in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct sets of claims if to so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present case, the claims of Group II include all of the elements found in the claims of Group I, but merely further limite the nature of the device to one that specifically includes two printheads. As such, the search for the claims of Group I will find any relevant prior art relating to the claims of Group II.



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Accordingly, little, if any, additional searching should be required for the claims of Group II, and therefore the examination of the claims of Group II together with the claims of elected Group I should impose little, if any, additional burden on the Examiner.

As such, examining the claims of Group II and the claims of elected Group I together in the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to rejoin the claims of Group II and with the claims of elected Group I and to examine all the claims together in the present application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: 10.17.03

By: 
Bret E. Field
Registration No. 37,620

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